

0008

Incoming
C/015/0025
Exhibit "E"
Revised Officers & Agents
Reclamation Agreement
Federal

Permit Number: C/015/0025
Effective Date: _____
Bond Number: L-0601-C/015/025

Exhibit "E"
REVISED OFFICERS AND AGENTS
--ooOOoo--

"PERMIT": (Mine Permit Number) C/015/0025 (County) Emery

"MINE": (Name of Mine) Bear Canyon Mine

"OPERATOR": Hiawatha Coal Company, Inc.

"PERMITTEE": (Company Name and Address)
Hiawatha Coal Company, Inc
5550 West Bear Canyon Road
Huntington, Utah 84528
(435) 687-5777

"PERMITTEE'S REGISTERED AGENT":
Elliott Finley
5550 West Bear Canyon Road
Huntington, Utah 84528
(435) 687-5777

"COMPANY OFFICERS":
Elliot Finley
Nathaniel Finley

"BOND TYPE": (Form of Bond) Surety Bond

"BOND": (Amount) \$1,731,000

"INSTITUTION": (Bank or Agency) Lyndon Property Insurance Company

"POLICY OR ACCOUNT NUMBER": 1-0601-C/015/025

"LIABILITY INSURANCE": Acord (expires 01/01/10)

"STATE": Utah (Department of Natural Resources)

"DIVISION": Division of Oil, Gas and Mining

"DIVISION DIRECTOR": John R. Baza

RECEIVED

JAN 26 2009

DIV. OF OIL, GAS & MINING

Permit Number: C/015/0025
Effective Date: _____
Bond Number: _____

COAL
STIPULATION TO REVISE RECLAMATION AGREEMENT
--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

Subject to approval by the Director, the permit and reclamation obligations shall be transferred to and assumed by Hiawatha Coal Company and by signing Hiawatha Coal Company hereby assumes the obligations of the operator as set forth in the Reclamation Agreement.

As a result of the pending permit transfer of the Bear Canyon Mine (C/015/0025) from C.W. Mining Company to Hiawatha Coal Company, attached, as Exhibit "E", are the revised Officers and Agents of Bear Canyon Mine. Exhibit "E" shall be incorporated as part of original Reclamation Agreement (dated 1/13/1993) subject to clearance through the Applicant Violator System (AVS).

Also, the bonding type and bonding amount are changed as indicated below.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

_____ Replace the Reclamation agreement in its entirety.

_____ Replace Exhibit "A"- bonded area.

✓ Replace Exhibit "B"- bonding agreement

_____ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$1,825,000 to \$1,731,000.

The bonding type is changed from Surety Bond to Surety Bond/Letter of Credit.

The surface disturbance is revised from _____ acre to _____ acres.

The expiration date is revised from _____ to _____.

IN WITNESS WHEREOF, Hiawatha Coal the PERMITTEE has hereunto set
its signature and seal this 14 day of January, 2009.

Hiawatha Coal Co.
PERMITTEE

By: R. Farley

Title: V.P.

ACCEPTED BY THE STATE OF UTAH this ___ day of _____, 20__.

Director,
Division of Oil, Gas and Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

Bond Number _____

POWER OF ATTORNEY

--ooOOoo--

The Hiawatha Coal Company (Corporation), having its principal office in Bear Canyon (Location), does hereby make, constitute and appoint Elliott [Attorney(s)], as its true and lawful Attorney(s)-in-fact in their separate capacity, if more than one is named above, to make, execute, sign, seal and deliver for and on its behalf as surety and as its act and deed (without power of re-delegation) any and all bonds and undertakings and other writings obligatory in the nature thereof provided in the amount of no one bond or undertaking exceeding (\$) 1,731,000.

The execution of such bonds and undertakings shall be as binding upon said Hiawatha Coal Company (Corporation) as fully and to all intents and purposes as if the same had been duly executed and acknowledged by its regularly elected officers.

IN WITNESS THEREOF, this 14 day of January, 2009.

N. Finley
Secretary

E. Finley
President

Subscribed and sworn to before me this 14 day of January, 2009.

Mark Reynolds
Notary Public

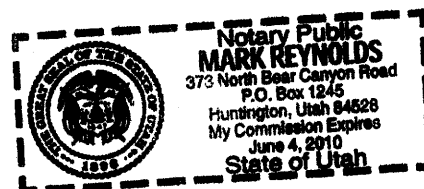
My Commission Expires:

6-4, 2010.

Attest:

STATE OF Utah)

COUNTY OF Emery) SS:



Bond Number _____

**AFFIDAVIT OF QUALIFICATION
PERMITTEE**

--ooOOoo--

I, Nate Finley, being first duly sworn under oath, deposes and says that he/she is
the (officer or agent) Officer of Hiawatha Coal Co.;
and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said
PERMITTEE is authorized to execute the same and has complied in all respects with the laws of
Utah in reference to commitments, undertakings and obligations herein.

N. Finley V.P.
(Signed)
Name - Position

Attest: N. Finley
Secretary of the Corporation

STATE OF Utah)

) ss:

COUNTY OF Emery)

Subscribed and sworn to before me this 14 day of January, 2009.

Mark Reynolds
Notary Public

My Commission Expires:

6-4, 2010.

